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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,926	04/12/2004	Sheng-Hsiung Lin	2450-0666PUS1	2119
2292	7590	12/29/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				SZUMNY, JONATHON A
ART UNIT		PAPER NUMBER		
3632				

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/821,926	LIN, SHENG-HSIUNG
Examiner	Art Unit	
Jon A Szumny	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/12/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

This is the first office action for application number 10/821,926, Angularly Adjustable Keyboard Support Bracket, filed on April 12, 2004.

Information Disclosure Statement

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

Specification

The disclosure is objected to because of the following informalities:

On page 1, line 11, “..” should be ----;

On page 3, line 18, “Please refer” should be --Referring--;

On page 4, lines 5-8, the applicant states that the anchor tray is fastened to the bracing rack and the rotary tray is coupled with the tray. However, with reference to figures 2, 3A and 3B, it appears just the opposite is true.

Further, in lines 10-13, the applicant states that anchor tray and rotary tray have respective anchor holes that receive a fastening member to run through the holding section and the tray. However, with reference to figures 2, 3A and 3B, it appears just the opposite is true, namely, that the anchor tray 151 is attached to the tray and the rotary tray 152 is attached to the holding section.

On page 4, line 25, “user” should be --the user--;

On page 5, lines 1-5, it is not understood how the elevation of operation may be adjusted by “applying a linkage mechanism about the pin a that has been disclosed in the prior art”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, lines 7-8, it is stated that the bracing rack forms a holding section to hold a rotary mechanism with the tray in-between. With reference to figure 3A, the tray 14 is actually located above the holding section and the rotary mechanism, not "in-between". It does not seem possible that the tray could be located between the holding section and the rotary mechanism. It appears the applicant might have intended to recite --the bracing rack is extended to form a holding section to hold a rotary mechanism therebetween, the rotary mechanism being attached to the tray--, and the Examiner will assume this is so for the purposes of this office action.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear if the applicant is intended to functionally or positively recite the tray as part of the invention. Line 5 of claim 1 recites the tray functionally ("for holding a tray"), but then

the applicant positively claims the tray later on in claim 1 (“to hold a rotary mechanism with the tray...”), in claim 2 (“a rotary tray fastened to the tray...”) and in claim 4 (“and the tray...”). The applicant must make it clear whether the tray is functionally or positively recited. For the purposes of this office action, the Examiner will assume the tray is *functionally* recited.

Regarding claim 2, lines 1-4, the applicant recites that the “anchor tray is fastened to the holding section” and that the “rotary tray is fastened to the tray”. However, with reference to figures 2, 3A, and 3B, it appears just the opposite is true, namely that the anchor tray is fastened to the tray and the rotary tray is fastened to the holding section. For the purposes of this office action, the Examiner will assume this is true. Similarly, the Examiner will assume the opposite is true with respect to the language of claim 4.

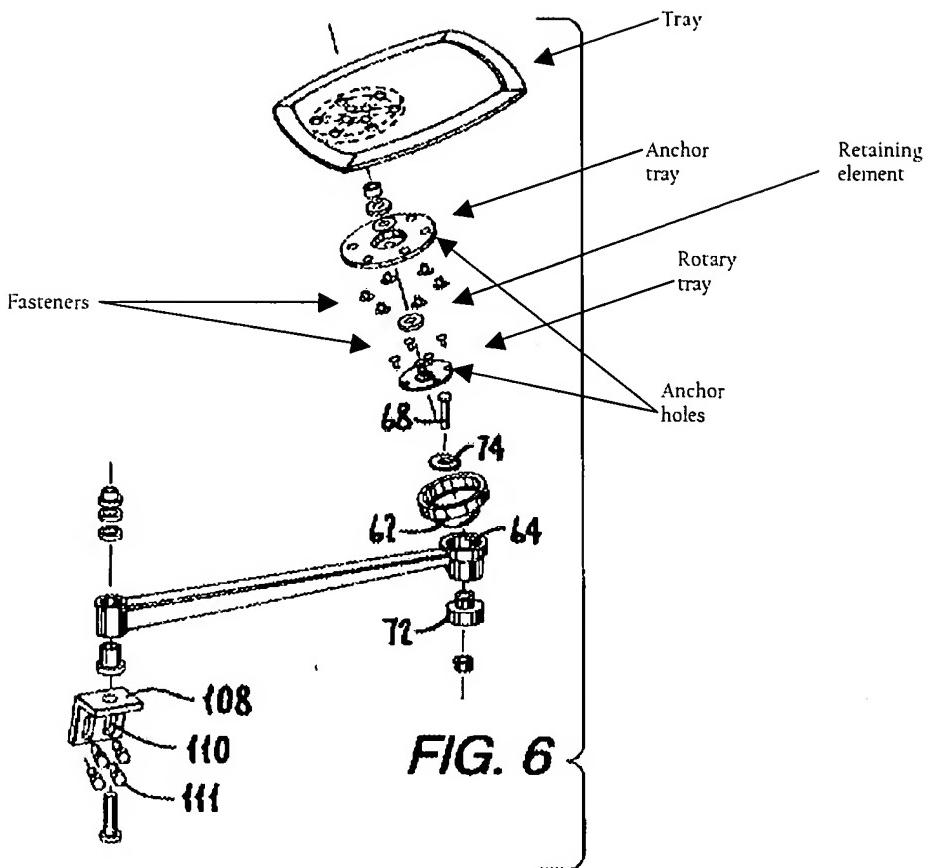
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,086,034 to McAllister et al.



McAllister et al. '034 discloses an angularly adjustable support bracket (figures 2-6) comprising a mounting rack (98) attached to a desktop, a movable arm (32) coupled with the mounting rack through a pin (102) and a bracing rack (38, generally) coupled on another end of the movable arm through another pin (106); wherein the bracing rack is extended to form a holding section (44,62,64) to hold a rotary mechanism therebetween such that a tray (above) is attached to the rotary mechanism, the rotary mechanism inherently would allow a tray to swivel to a left side and a right side to an angle relative to the bracing rack to provide users with a desired operating angle, wherein the rotary mechanism includes an anchor tray (above) fastened to the tray, a rotary tray (above) fastened to the holding section of the bracing rack and a

retaining element (above) located between the anchor tray and the rotary tray, wherein the anchor tray, the rotary tray and the retaining element having respectively an axle hole (see above) on a corresponding location to receive a bolt to engage with a nut (both the bolt and nut are functionally recited because of the phrases “to receive” and “to engage” and the axle holes could inherently receive a bolt to engage with a nut), wherein the anchor tray and the rotary tray have respectively an anchor hole (above) that receives a fastening member (above) to run through the tray and holding section of the bracing rack.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al.

‘034.

McAllister et al. ‘034 teaches the previous invention wherein the bracing rack and anchor tray are integrated, but fails to specifically reveal the bracing rack and anchor tray to be formed by stamping. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the bracing rack and anchor tray by stamping since doing so is well known in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilburth '708, Gates '621, Lin '460 and Barber '279 teach various swiveling support brackets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
December 21, 2004